

1 IN THE CIRCUIT COURT FOR BALTIMORE COUNTY, MARYLAND  
2 STATE OF MARYLAND

3  
4 V Case Number 03-CR-19-000116

5  
6 ANDREW ANTHONY SMALL

7 REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS

8 Guilty Plea

9 Towson, Maryland

10 September 16, 2019

11 BEFORE: Honorable Justin King, Associate  
12 Judge

13  
14 APPEARANCES:

15  
16 FOR THE STATE:

17 EVERETT BRYANT, ESQUIRE

18  
19 FOR THE DEFENDANT:

20 ALAN COHEN, ESQUIRE

21  
22  
23 Transcribed By:

24 Randy K. Mackubin

25 Official Court Reporter

1 MR. BRYANT: Everett Bryant on behalf of the  
2 State, B-R-Y-A-N-T. Your Honor, calling State versus  
3 Andrew Small, 03-CR-19-000116.

4 THE COURT: Good morning.

5 MR. COHEN: Your Honor, good morning. For the  
6 record, Alan Cohen. My appearance should be entered on  
7 behalf of Mr. Small in this case.

8 THE COURT: Spell both your first and last  
9 names for the record.

10 MR. COHEN: Yes, sir. First name is Alan,  
11 A-L-A-N, and last name is Cohen, C-O-H-E-N.

12 THE COURT: Very good. How are we proceeding?

13 MR. BRYANT: We have reached a plea agreement.  
14 However if we may approach in reference to a binding  
15 plea?

16 THE COURT: Sure.

17 (WHEREUPON, counsel approached the bench.)

18 THE COURT: Everybody needs to come up. You  
19 need to hear this.

20 MR. COHEN: I haven't been in this courtroom  
21 in years.

22 (WHEREUPON, there was an off-the-record  
23 conference.)

24 THE COURT: All right. What are we doing with  
25 Mr. Small?

1 MR. BRYANT: Your Honor, the agreement that we  
2 had been discussing or asking the Court to bind to, the  
3 Defendant would plead guilty to Count 1, which is first  
4 degree assault. Upon a finding of guilt, the State  
5 would enter a nolle prose as to the balance of charges.  
6 At disposition, the State would recommend a suspended  
7 sentence. The Defendant's guidelines call for a  
8 sentence of three to eight years on first degree  
9 assault. However, the Defendant does not have a prior  
10 record. On probation, we would ask the Defendant be  
11 ordered to forfeit a handgun which he legally owns,  
12 have no contact with the victim, and complete an anger  
13 management program.

14 THE COURT: Do we have an anger management  
15 program -- well, the only one we have is user  
16 intervention. Is this a domestic --

17 MR. BRYANT: No.

18 MR. COHEN: No.

19 THE COURT: We don't -- so we will do it on  
20 our probation form, just an anger management program.

21 MR. BRYANT: Yes, Your Honor.

22 THE COURT: Is there is an option -- somebody  
23 took away all of my probation forms. So condition  
24 Number 33, other, complete anger management as  
25 recommended. Unless you got one.

1 MR. COHEN: I don't have one offhand. If they  
2 can't find one, they can call me.

3 THE COURT: What else? How long is the  
4 probation?

5 MR. BRYANT: Your Honor, we were leaving to  
6 the Court as to the length of probation. The facts of  
7 the case involve a gun pointing. The relationship  
8 between the Defendant and the victim is that the  
9 Defendant was the property manager for a location where  
10 the victim maintained an office space. There were  
11 contentious relations between the two of them related  
12 to the tenancy. And depending on who you talk to, the  
13 other party is involved or the primary reason for those  
14 --

15 THE COURT: We are not talking about a young  
16 man here.

17 MR. COHEN: No, he is 55.

18 THE COURT: I take that back. He is very  
19 young.

20 MR. COHEN: I wish I was 55.

21 MR. BRYANT: Eventually these things get to  
22 the point where there is a text message which is sent  
23 where the Defendant indicates that he would kill the  
24 victim. The victim then calls 911, reports this text  
25 message was sent. He is on the phone with 911 and

1 attempts to leave the building. He leaves -- when he  
2 goes to leave the building, there is a confrontation  
3 between the Defendant and him in which the Defendant  
4 pulls a gun, points it at the victim --

5 THE COURT: I assume the gun is licensed?

6 MR. BRYANT: It is. He lawfully carried the  
7 firearm. He turned it over to the police.

8 MR. COHEN: Police came to his house. He gave  
9 them the gun.

10 THE COURT: What are we doing, a suspended  
11 sentence? For what period of time?

12 MR. COHEN: I don't think this guy will need a  
13 million years of probation.

14 THE COURT: I'm not talking about probation.  
15 What are we looking at, five?

16 MR. BRYANT: Your Honor, I would ask for  
17 something in the guidelines to be suspended.

18 THE COURT: Okay. We will do five.

19 MR. BRYANT: That is fair.

20 MR. COHEN: That is fair.

21 THE COURT: Five years suspended. I'm fine.

22 MR. BRYANT: Thank you.

23 MR. COHEN: Thank you.

24 (WHEREUPON, proceedings resumed in open  
25 court.)

1 THE COURT: Mr. Bryant?

2 MR. BRYANT: Your Honor, the plea agreement as  
3 discussed is the Defendant is going to enter a guilty  
4 plea as to first degree assault, which I have as Count  
5 Number One. Upon a finding of guilt, the State would  
6 enter a nolle prose as to the wall of charges. The  
7 State is recommending a suspended sentence in this  
8 matter.

9 On probation we would ask the Defendant  
10 forfeit his firearm or the firearm seized by the  
11 police; have no contact with the victim, Mr. Watkins,  
12 as well as complete an anger management program. It is  
13 my understanding the Court has agreed to bind to a five  
14 year suspended sentence with those terms of probation.

15 Your Honor, I can also put on record at this  
16 time the Defendant does not have any prior record to  
17 this point. He is 55 years old at this current time.  
18 This plea arrangement has been discussed with the  
19 victim who is present today. The victim did indicate  
20 that he was okay with the plea arrangement as currently  
21 constructed.

22 THE COURT: Okay.

23 MR. BRYANT: I have also spoken with the  
24 victim regarding victim impact. I advised him about  
25 what a binding plea entails. Because the plea itself

1 is binding, it is my understanding the victim is not  
2 going to give a victim impact statement at this time  
3 but I would like to let Your Honor know that he is  
4 here.

5 THE COURT: Okay. Was there any time spent?

6 MR. COHEN: Just one day. There was something  
7 else also. I apologize for not mentioning it at the  
8 bench. Mr. Bryant and I have discussed. The State --  
9 they are not going to be opposed to me filing a motion  
10 for modification of sentence but not making any  
11 affirmative recommendation on that, since this is a  
12 binding plea. I will file that. But obviously it will  
13 be up to the Court.

14 THE COURT: Right. Are you asking me to hold  
15 it sub curia?

16 MR. COHEN: Yes, I am, Your Honor.

17 THE COURT: Which means you are going to  
18 attach an order?

19 MR. COHEN: Yes, sir.

20 THE COURT: Okay. Very good. Would you like  
21 to advise your client?

22 MR. COHEN: Yes, sir, I would, Your Honor.  
23 Mr. Small, I have entered into a binding plea agreement  
24 in your case and you are going to be pleading guilty to  
25 first degree assault, which carries a maximum penalty

1 of 25 years. You are receiving a five year suspended  
2 sentence and a period of probation which Judge King  
3 feels is appropriate under the circumstances of the  
4 case.

5 Additionally, you are going to have complete  
6 an anger management program as a condition of your  
7 probation. You are going to have to -- the gun is  
8 already in the hands of the police. You will have to  
9 agree to forfeit that. Additionally, I'm going to be  
10 filing a motion for modification of sentence that will  
11 be held open; that is what sub curia means. There is  
12 no guarantee as to what will happen to that  
13 modification of sentence. Do you understand that?

14 THE DEFENDANT: Yes.

15 MR. COHEN: The State will nolle prose all of  
16 the -- that means dismiss all of the remaining charges  
17 in this case; do you understand that?

18 THE DEFENDANT: Yes.

19 MR. COHEN: Before His Honor Judge King can  
20 accept your guilty plea, he has to know that it is  
21 knowingly, freely and voluntarily given, and you  
22 understand all of the rights that you are giving up.  
23 So I'm going to ask you a series of questions so the  
24 judge can make that determination.

25 Sir, how old are you?



1 THE DEFENDANT: Fifty-four.

2 MR. COHEN: How far have you gone in school?

3 THE DEFENDANT: Bachelor's Degree.

4 MR. COHEN: So fair to say you can read and  
5 write and understand the English language?

6 THE DEFENDANT: Yes.

7 MR. COHEN: Are you under the influence of any  
8 drugs or alcohol or prescription medication?

9 THE DEFENDANT: No, I'm not.

10 MR. COHEN: Are you under the influence of any  
11 substance that might affect your thinking process?

12 THE DEFENDANT: No, I'm not.

13 MR. COHEN: It is my understanding you have no  
14 record, you have never been arrested except for this  
15 incident. So you are not on parole or probation?

16 THE DEFENDANT: No, sir, I'm not.

17 MR. COHEN: If for some reason there was  
18 something you or I didn't know about, you were on  
19 parole or probation, a guilty plea could violate your  
20 parole or probation and Judge King wouldn't have  
21 anything to say about that or have anything to do about  
22 that; do you understand that?

23 THE DEFENDANT: Yes, sir.

24 MR. COHEN: It is also my understanding that  
25 you are a United States citizen. If you are not a

1 United States citizen a criminal conviction could  
2 result in your deportation to your country of origin  
3 but my understanding is you were born here in the  
4 United States?

5 THE DEFENDANT: Yes, sir.

6 MR. COHEN: So they can't deport you back to  
7 the US. Are you under the care of a psychiatrist or in  
8 a mental institution recently?

9 THE DEFENDANT: No, I am not.

10 MR. COHEN: Have you ever been?

11 THE DEFENDANT: No, I am not.

12 MR. COHEN: Are you currently taking any types  
13 of medication?

14 THE DEFENDANT: No, sir.

15 MR. COHEN: You understand you don't have to  
16 plead guilty?

17 THE DEFENDANT: Yes, sir.

18 MR. COHEN: You understand you have a right to  
19 a jury trial?

20 THE DEFENDANT: Yes, sir.

21 MR. COHEN: A jury trial would be 12 citizens.  
22 They would be selected randomly from the voting rolls  
23 and motor vehicle rolls of Baltimore County, do you  
24 understand that?

25 THE DEFENDANT: Yes, sir.

1 MR. COHEN: Also, all 12 of those people if  
2 the jury was selected would have to agree unanimously  
3 beyond a reasonable doubt that you either were not  
4 guilty or guilty; do you understand that?

5 THE DEFENDANT: Yes, sir.

6 MR. COHEN: If all 12 could not come to a  
7 unanimous decision, that could result in a hung jury  
8 being declared by the Court and the State would have an  
9 option of retrying you until eventually a jury came  
10 back with a unanimous verdict.

11 THE DEFENDANT: Yes, sir.

12 MR. COHEN: You understand that you are giving  
13 up your right to a jury trial today?

14 THE DEFENDANT: Yes.

15 MR. COHEN: You also understand you could have  
16 a right to a judge trial. It wouldn't be Judge King,  
17 but we would find another judge and a judge would  
18 decide by the same standard that a jury would, beyond a  
19 reasonable doubt, do you understand that?

20 THE DEFENDANT: Yes, I do.

21 MR. COHEN: And a judge would make that  
22 decision rather than 12 people; do you understand that?

23 THE DEFENDANT: Yes, sir.

24 MR. COHEN: All right. Also, you understand  
25 by pleading guilty you are waiving your right to

1 confront and cross examine the witnesses. If there was  
2 a trial, a witness would take -- well, take the stand,  
3 it is right up there, where that microphone is, and the  
4 State would ask questions; that is known as direct  
5 examination. And I would ask questions; that is known  
6 as cross-examination. However, by pleading guilty what  
7 will happen is we're going to accept the State's  
8 version of this to establish the probable cause, do you  
9 understand that?

10 THE DEFENDANT: Yes.

11 MR. COHEN: I can tell you after hearing that,  
12 I have been a lawyer over 30 years, Judge King will  
13 find you guilty; do you understand that?

14 THE DEFENDANT: Yes.

15 MR. COHEN: You understand we can't say well,  
16 this is what our case would be and Judge King sits up  
17 there and weighs this against that. No. We are going  
18 to accept the statement of probable cause provided by  
19 the State; do you understand that?

20 THE DEFENDANT: Yes.

21 MR. COHEN: And nobody will be asking any  
22 questions.

23 THE DEFENDANT: Yes, sir.

24 MR. COHEN: You also understand you have a  
25 right to call witnesses and have those witnesses

1 testify on your behalf; do you understand that?

2 THE DEFENDANT: Yes, sir.

3 MR. COHEN: You understand if they didn't show  
4 up we could ask the sheriff to go out and pick them up,  
5 do you understand that?

6 THE DEFENDANT: Yes.

7 MR. COHEN: You understand that I have  
8 interviewed three witnesses in your case and as I'm  
9 required to do as an option to the Court, I did give  
10 their phone numbers to the State's attorney,  
11 Mr. Bryant, so Mr. Bryant could interview them; do you  
12 understand that?

13 THE DEFENDANT: Yes.

14 MR. COHEN: We won't be presenting any  
15 witnesses in this case, do you understand that?

16 THE DEFENDANT: Yes.

17 MR. COHEN: You also have understand you have  
18 a right to testify and you have a right to remain  
19 silent?

20 THE DEFENDANT: Yes.

21 MR. COHEN: If you chose to testify, I would  
22 ask you questions, that is direct. Mr. Bryant, who  
23 represents the State, would be able to ask you  
24 questions; that is known as cross-examination. Do you  
25 understand that?

1 THE DEFENDANT: Yes.

2 MR. COHEN: Also understand in the State of  
3 Maryland, the judge has the right to ask you questions,  
4 do you understand that?

5 THE DEFENDANT: Yes.

6 MR. COHEN: Do you understand that by pleading  
7 guilty you are giving up your right to testify, do you  
8 understand that?

9 THE DEFENDANT: Yes.

10 MR. COHEN: You also understand that if you  
11 had gone to trial and decided you didn't want to  
12 testify, you wouldn't have to, do you understand that?

13 THE DEFENDANT: Yes.

14 MR. COHEN: I could ask for Maryland Pattern  
15 Jury Instruction 3:17 which is two sentences which says  
16 the jury should not consider the fact that you did not  
17 testify and as a matter of fact, they can't even  
18 discuss it in their deliberations; do you understand  
19 that?

20 THE DEFENDANT: Yes.

21 MR. COHEN: The reason for that you  
22 understand, there is no burden of proof on you, the  
23 Defendant. The burden of proof is on the State to  
24 prove each and every element beyond a reasonable doubt.  
25 Do you understand that?

1 THE DEFENDANT: Yes.

2 MR. COHEN: You also understand you have a  
3 Fifth Amendment right to remain silent, do you  
4 understand that?

5 THE DEFENDANT: Yes.

6 MR. COHEN: If you had gone to trial you have  
7 a right to contest any constitutional, factual or legal  
8 defenses. Factual would be I didn't do it; It wasn't  
9 true. Do you understand that?

10 THE DEFENDANT: Yes.

11 MR. COHEN: Do you understand that by pleading  
12 guilty you are giving up that right, do you understand  
13 that?

14 THE DEFENDANT: Yes.

15 MR. COHEN: I also mean by constitutional and  
16 legal, we mean whether any of your rights -- I'm not  
17 saying any were violated but I'm just saying we would  
18 be able to contest whether or not any of your  
19 constitutional or legal rights were violated; do you  
20 understand that?

21 THE DEFENDANT: Yes.

22 MR. COHEN: Now, by pleading guilty you limit  
23 your appellate rights. I'm going to tell you your  
24 chances for success on any of those issues are slim and  
25 none. First is the jurisdiction of the Court.

1 Jurisdiction means are we in the right court to try  
2 this case. Since these events occurred in Catonsville,  
3 Catonsville is in Baltimore County. We are in the  
4 correct court. And if you raised that as an issue you  
5 would be unsuccessful; do you understand that?

6 THE DEFENDANT: Yes.

7 MR. COHEN: Second is the competency of  
8 counsel. Are you satisfied with my services?

9 THE DEFENDANT: Yes.

10 MR. COHEN: Anything you asked me to do that I  
11 didn't do?

12 THE DEFENDANT: No.

13 MR. COHEN: Anything you told me not to do  
14 that I ignored you and went ahead and did it anyway?

15 THE DEFENDANT: No.

16 MR. COHEN: Based on the three answers you  
17 have given today, I can tell you that in all likelihood  
18 you would be unsuccessful. The third ground is the  
19 legality of the sentence. As I told you, the maximum  
20 penalty is 25 years on a first degree assault and a  
21 significant fine. Judge King has bound himself to  
22 impose a five year suspended sentence; do you  
23 understand that?

24 THE DEFENDANT: Yes.

25 MR. COHEN: He will give you supervised



1 probation; do you understand that?

2 THE DEFENDANT: Yes.

3 MR. COHEN: Therefore, the sentence is legal.  
4 So if you were to raise that issue, you would be  
5 unsuccessful; do you understand that?

6 THE DEFENDANT: Yes.

7 MR. COHEN: The last ground is whether or not  
8 the plea is freely, knowing and voluntarily given. Is  
9 this plea freely, knowing and voluntarily given?

10 THE DEFENDANT: Yes, sir.

11 MR. COHEN: Did anyone force you, threaten  
12 you, coerce you into pleading guilty in this case?

13 THE DEFENDANT: No.

14 MR. COHEN: Do you have any questions of me or  
15 the Court about your guilty plea?

16 THE DEFENDANT: No questions.

17 MR. COHEN: Thank you. Your Honor, thank you.

18 THE COURT: I find your plea -- oh, up until  
19 today, have you ever written this Court, clerk of the  
20 Court, my office, the State's Attorney office, the  
21 attorney's office complaining about his services?

22 THE DEFENDANT: No, I haven't.

23 THE COURT: I find your plea to be free and  
24 voluntary and I accept it. I find your waiver of court  
25 and jury trial to be knowing and voluntary and I accept

1 it. And finally, I find that the Defendant is pleading  
2 guilty with a complete understanding of the nature of  
3 the charges and the consequences of the plea. You can  
4 have a seat.

5 MR. COHEN: Thank you.

6 MR. BRYANT: Your Honor, on January 28th,  
7 2019, Officer Dutterer responded to 3527 North Rolling  
8 Road in Baltimore County in reference to a disturbance  
9 involving a gun. Officer Dutterer arrived at the  
10 location and spoke with a victim, Calvert Watkins, who  
11 was walking from the intersection of North Rolling Road  
12 and Liberty Road. Mr. Watkins advised Officer Dutterer  
13 that he had received a text earlier that day from the  
14 Defendant, Andre Small, who was a property manager at  
15 his office location. That text indicating that  
16 Mr. Small was going to kill Mr. Watkins. Officer  
17 Dutterer was able to observe the text message stating  
18 in part, I will kill you. Mr. Watkins called 911 after  
19 receiving that text message and then was on the phone  
20 providing information and was advised to exit the  
21 location. Mr. Watkins indicated that he walked out of  
22 his office and headed towards the exit of the building  
23 when he was confronted by the Defendant. During that  
24 confrontation with the Defendant, the Defendant then  
25 produced a semi-automatic handgun in his right hand and

1 then pointed that handgun at the victim indicating that  
2 he would kill him. Mr. Watkins then left the building  
3 in fear for his life and his safety. He went to the  
4 Bank of America located at 8235 Liberty Road where  
5 there was an armed security guard in order to prevent  
6 further confrontation. Police then arrived at the  
7 location and had Mr. Watkins complete a witness  
8 statement.

9           Officer Dutterer then conducted a search  
10 through MCIC for firearms registered to the Defendant.  
11 Officer Dutterer was able to discover that the  
12 Defendant had a Smith and Wesson model 4114 handgun  
13 registered in his name. Officer Dutterer and Officer  
14 Temple spoke with Andre Small over the phone who  
15 indicated that he knew why the police were contacting  
16 him and did agree to meet with police at his residence  
17 in Owings Mills, Maryland. The Defendant then spoke  
18 with and did admit to sending the text message  
19 threatening to kill the victim and did turn over his  
20 handgun that he had in his possession at his residence.

21           All events did occur in Baltimore County,  
22 Maryland. If called to testify, witnesses would  
23 identify the Defendant as the responsible party. That  
24 would be the State's case in support of the plea.

25           THE COURT: Mr. Cohen.

1 MR. COHEN: Pursuant to the plea agreement, no  
2 additions or corrections.

3 THE COURT: The facts are sufficient to find  
4 the Defendant guilty of Count 1. It is a binding plea  
5 but I will hear from anybody that wants to say  
6 anything. Mr. Bryant?

7 MR. BRYANT: Your Honor --

8 THE COURT: Like I said, it is binding.

9 MR. BRYANT: I will submit on that.

10 MR. COHEN: I have three pieces of mitigation  
11 but since it is a binding plea I will be quiet except  
12 to say one thing. I have been doing this for 30 years  
13 as a defense attorney. Mr. Small is the first client  
14 that ever asked me would he be able to vote. Never had  
15 a single client ask me that question.

16 THE COURT: Ask you what?

17 MR. COHEN: He asked me would he be able to  
18 vote after getting a conviction. I told him no. Never  
19 had anybody ask me that question. I thought it was  
20 interesting information.

21 THE COURT: It is indicative of the quality of  
22 your client.

23 MR. COHEN: Thank you. I will submit.

24 THE COURT: Anything from your client?

25 MR. COHEN: No. Mr. Small, do you wish to be

1 heard? He doesn't want to address the Court.

2 THE DEFENDANT: Nothing else.

3 MR. COHEN: Thank you, Your Honor.

4 THE COURT: All right. Sentence of the Court  
5 is as follows: Five years suspended. He gets credit  
6 for one day. One year supervised probation, all  
7 standard conditions to apply. I will waive the fine  
8 but he will pay the Court costs through probation.  
9 Same with supervision fee, as well as the CICF costs  
10 all through probation. He will have no contact with  
11 the victim whose name is?

12 MR. BRYANT: Calvin Watkins.

13 THE COURT: And he will complete an anger  
14 management course as directed by Parole and Probation.

15 The handgun that was seized will be forfeited  
16 to the appropriate forfeiting authority. Anything  
17 else?

18 MR. BRYANT: That is it, Your Honor. Thank  
19 you.

20 THE COURT: All right. That is what you were  
21 looking at me about?

22 MR. BRYANT: Yes.

23 THE COURT: Mr. Cohen?

24 MR. COHEN: The only other thing I would say,  
25 I will file a motion for modification with an order.

1 THE COURT: Yes.

2 MR. COHEN: And --

3 THE COURT: File it with that order.

4 MR. COHEN: Yes.

5 THE COURT: Would you advise him as to his  
6 post trial rights, including a three judge panel.

7 MR. COHEN: Yes. Thank you. Mr. Small, you  
8 have the right to file a motion for new trial. If you  
9 do so you would have to file it in writing within 10  
10 days. You have a right to file a motion for  
11 modification and/or reduction of sentence which I will  
12 file on your behalf. It has to be filed in 90 days.  
13 This Court has agreed to hold the motion sub curia. No  
14 promises have been made what will happen to that. Do  
15 you understand that? It will be up to you to do  
16 everything you are supposed to do that puts this Court  
17 in a position to consider that motion; do you  
18 understand that?

19 THE DEFENDANT: Yes.

20 THE COURT: If I'm to consider it, he has to  
21 successfully complete his probation.

22 MR. COHEN: Absolutely, Your Honor. You also  
23 have a right to file an application for leave to appeal  
24 on the four limited grounds which I mentioned to you.  
25 That must be filed in writing and that must be filed

1 within 30 days. I would not file that for you. I  
2 would advise you not to file that. The panel could  
3 increase your -- Judge King would not be a part of that  
4 panel but he could tell the panel why he did what he  
5 did. And they could actually keep it the same, lower  
6 it or raise it. So you don't want to file that motion.  
7 And the last right --

8 THE COURT: 90 days, 30 days to appeal, ten  
9 days for new trial, you got all that?

10 MR. COHEN: Yes, sir.

11 THE COURT: All right.

12 MR. COHEN: Thank you. I will ask you to take  
13 a seat. You will have some paperwork to sign.

14 MR. BRYANT: Your Honor, thank you.

15 MR. COHEN: Thank you.

16 (Trial recessed.)  
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1                                    REPORTER'S CERTIFICATE

2

3                I, Randy K. Mackubin, an Official Court

4 Reporter of the Circuit Court for Baltimore County, do

5 hereby certify that I transcribed stenographically the

6 proceedings in the matter of State versus Small, Case

7 Number 03-CR-19-000116 on September 16, 2019.

8                I further certify that the foregoing pages

9 numbers one through 23 constitute the official

10 transcript of proceedings as transcribed by me to the

11 within typewritten matter in a complete and accurate

12 manner.

13                In Witness Whereof, I have hereunto subscribed

14 my name this 6th day of January 2020.

15                                    

16                                    Randy K. Mackubin

17                                    Official Court Reporter

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